

06-09-03

Atto

Docket No. 54099-8002.US01  
S6P/1647



Express Mail Label EV 337 196 670 US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: LAU ET AL.

APPLICATION No.: 09/660,468

FILED: SEPTEMBER 12, 2000

FOR: CYTOKINE COMPOSITION AND METHOD OF ITS  
PRODUCTION

EXAMINER: DAVID S. ROMEO

ART UNIT: 1647

CONF. NO: 6858

#74  
M.G.J  
6/11/03

Supplemental Information Disclosure Statement After First Office Action  
but Before Final Action or Notice of Allowance – 37 C.F.R. § 1.97(c)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

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1. Timing of Submission

The information transmitted herewith is being filed *after* three months of the filing date of this application or after the mailing date of the first Office action on the merits, whichever occurred last, but *before* the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, whichever occurs first. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

Copies of the following references are enclosed:

- All cited references
- References marked by asterisks
- The following:

Copies of the following references can be found in parent U.S. Application No. :

- All cited references
- References marked by asterisks
- The following:



- The following references are not in English. For each such reference, the undersigned has enclosed: (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference; (iii) a copy of a reference which appears to be an English-language counterpart; or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.

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- All cited references  
 References marked by ampersands  
 The following:

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3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

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This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment (37 C.F.R. § 1.97(c)) or Certification (37 C.F.R. § 1.97(e))

- Applicant elects to pay the fee under 37 C.F.R. § 1.17(p) \$180.00.
- Check enclosed for \$180.00.  
 Please charge the above fee(s) to Deposit Account No. 50-2207  
this paper is provided in triplicate.
- Applicant submits that no fee is due in light of the following certification under 37 C.F.R. § 1.97(e) (check only one):
- In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to this filing of this statement; or
- In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any



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individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.

- Please charge any underpayment for timely filing of this paper to Deposit Account No. 50-2207.

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

- The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

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Respectfully submitted,  
Perkins Coie LLP

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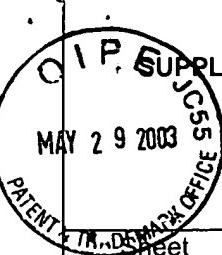
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Date: 5-29-03

  
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**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
Form PTO-1449 (Modified)  
(Use several sheets if necessary)

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Form PTO-1449 (Modified)  
(Use several sheets if necessary)

COMPLETE IF KNOWN	
Application Number	09/660,468
Confirmation Number	6858
Filing Date	September 12, 2000
First Named Inventor	Allan S. Lau
Group Art Unit	1646
Examiner Name	David S. Romeo

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Attorney Docket No. 54099-8002.US01

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			
		4,929,442		Powell	05/29/90	
		5,128,126		Boniver	07/07/92	
		5,362,490		Kurimoto et al.	05/17/93	
		5,376,368		Ulrich	12/27/94	RECEIVED
		5,425,940		Zimmerman et al.	06/20/95	JUN 05 2003
		5,641,670		Treco et al.	06/24/97	TECH CENTER 1600/2900
		5,976,800		Lau et al.	11/02/99	
		6,033,674		Jaffee et al.	03/07/00	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				
		WO	97/08324		Regents of Univ of CA	03/06/97		
		WO	93/17043		Brigham & Women's Hosp.			
		WO	00/77236		Genetrol Biotherapeutics	12/21/00		
		WO	01/18185		Genetrol Biotherapeutics	03/15/01		
		EP	0241242A1		Cetus Corp	10/14/97		

PCT Written Opinion from PCT/US01/28711, filed 09/11/2001

**OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
		Balachandran et al., "Activation of the dsRNA-dependent protein kinase, PKR, induces apoptosis through FADD-mediated death signaling" EMBO J., 1:17(23) 6888-902 (1998).	
		Breton, J.J., et al., "The Natural Product Hymenialdisine Inhibits Interleukin-8 Production in U937 Cells by Inhibition of Nuclear Factor-Kappa B" Jour. of Pharm. and Exp. Therapeutics, 282:1 459-466 (1997). )	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).

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**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Form PTO-1449 (Modified)

(Use several sheets if necessary)

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COMPLETE IF KNOWN	
Application Number	09/660,468
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**OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
		Harant, H., et al., "1 $\alpha$ , 25-Dihydroxyvitamin D <sub>3</sub> and a variety of its natural metabolites transcriptionally repress nuclear-factor- $\kappa$ B-mediated interleukin-8 gene expression" <i>Eur. J. Biochem.</i> , 250:63-71 (1997).	
		Jagus, R., et al., "PKR, Apoptosis and Cancer" <i>Int'l. Jour. Biochem. and Cell Biol.</i> , 31:1 123-138 (1999).	
		Kumar, Aseem, et al., "Double-stranded RNA-dependent protein kinase activates transcription factor NF-kappa-B by phosphorylating I-kappa-B" <i>Proceedings of the Nat'l. Acad. of Science of the U.S.</i> , 91:14 6288-6292 (1994).	
		Libermann, T.A., et al., "Activation of Interleukin-6 Gene Expression Through the NF-Kappa-B Transcription Factor" <i>Mol. and Cell. Biol.</i> , 10:5 2327-2334 (1990).	
		Lindholm, P.F., et al., "Extracellular Tax, Protein Stimulates Tumor Necrosis Factor- $\beta$ and Immunoglobulin Kappa Light Chain Expression in Lymphoid Cells" <i>Journal of Virology</i> , 66(3):1294-1302 (1992).	
		Yeung, et al., "An essential role for the interferon-inducible, double-stranded RNA-activated protein kinase PKR in the tumor necrosis factor-induced apoptosis in U937 cells," <i>Proc. Natl. Acad. Sci. USA</i> , 93: 12451-12455 (1996).	

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\*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).